

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE

FILED BY *[Signature]* D.C.
05 JUN 23 AM 11:50

ROBERT R. DI TROLO
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W.D. OF TN, MEMPHIS

COLUMBIA CASUALTY COMPANY,
an Illinois corporation,

Plaintiff,

vs.

Case No.: 04-2842-M1/P

COVENANT DOVE, INC., a Tennessee
corporation (formerly known as BOND,
JOHNSON & BOND, INC., a Tennessee
Corporation); TRINITY MISSION OF
CHARLOTTESVILLE, L.P., a Virginia
limited partnership, doing business as
TRINITY MISSION HEALTH & REHAB
OF CHARLOTTESVILLE;
ELDERCARE, INC., a Virginia
corporation; TRINITY MISSION
HEALTH & REHAB OF PORTLAND,
L.P., a Delaware limited partnership
(formerly known as SUNNY VISTA
ASSOCIATES, L.P.), doing business as
SUNNY VISTA CARE CENTER,

Defendants.

STIPULATED JUDGMENT

The following stipulated agreement by and between plaintiff Columbia Casualty Company ("Columbia") and defendants Covenant Dove, Inc. (formerly known as Bond, Johnson & Bond, Inc.); Trinity Mission of Charlottesville, L.P. (doing business as Trinity Mission Health & Rehab of Charlottesville); Mission Texas Corporation (formerly known as Eldercare, Inc.); and Trinity Mission Health & Rehab of Portland, L.P. (formerly known as Sunny Vista Associates, L.P. and doing business as Sunny Vista Care Center) (defendants are collectively referred to as "BJB and the BJB Facilities") shall constitute the Judgment of this Court:

This document entered on the docket sheet in compliance
with Rule 58 and/or 79(a) FRCP on 6-24-05

STIPULATED JUDGMENT

The Extended Reporting Period of Columbia's Healthcare Facilities Policy number PLC 2 48912054 for the 10/1/02 to 12/1/03 policy period (the "Columbia Policy") applies only to the reporting of actual "claims," as that term is defined in the Columbia Policy, that are made during the Extended Reporting Period, which was between December 1, 2003 and January 30, 2004.

Notice of any matters that are potential claims – i.e., "incidents" as defined in the Columbia Policy's Common Conditions – must be given during the 10/1/02 to 12/1/03 period of the Columbia Policy's coverage and in accordance with the Columbia Policy's provisions for providing notice of potential claims.

The incidents that are alleged in the case captioned Miller v. Sunny Vista Associates, L.P., et al., Case No. 0406-05960 pending in the Circuit Court of the State of Oregon, Multnomah County (the "Miller Action"), and in the case captioned Kirby v. Trinity Mission of Charlottesville, et al., Case No. CL 03-9392 pending in the Virginia Circuit Court of Albemarle County (the "Kirby Action") do not involve "claims" that were made during either the period of the Columbia Policy's coverage or during the Columbia Policy's Extended Reporting Period.

Notice of potential claims involving the Miller Action and the Kirby Action was not provided to Columbia during the period of the Columbia Policy's coverage in accordance with the provisions of the Columbia Policy regarding notice of potential claims, but rather was first provided during the Columbia Policy's Extended Reporting Period.

Because the Columbia Policy's Extended Reporting Period does not apply to the reporting of potential claims, Columbia has no obligation to defend or indemnify BJB and the BJB Facilities in connection with the Miller Action and the Kirby Action.

Each of the parties to this action shall bear their own fees, costs and expenses.

This judgment shall become final for all purposes upon entry of judgment, and the parties waive their respective rights to appeal or seek review of this judgment by a higher court.

IT IS SO STIPULATED:

Dated: June 22, 2005

Columbia Casualty Company

By: [Signature]

Title: Senior VP, Claim

Dated: _____, 2005

Covenant Dove, Inc. (formerly known as Bond,
Johnson & Bond, Inc.)

By: _____

Title: _____

Dated: _____, 2005

Trinity Mission of Charlottesville, L.P. (doing
business as Trinity Mission Health & Rehab of
Charlottesville)

By: Mission Texas Corporation, Its General Partner

By: _____

Title: _____

Dated: _____, 2005

Mission Texas Corporation (formerly known as
Eldercare, Inc.)

By: _____

Title: _____

This judgment shall become final for all purposes upon entry of judgment, and the parties waive their respective rights to appeal or seek review of this judgment by a higher court.

IT IS SO STIPULATED:

Dated: _____, 2005

Columbia Casualty Company

By: _____

Title: _____

Dated: June 8, 2005

Covenant Dove, Inc. (formerly known as Bond, Johnson & Bond, Inc.)

By: Judy Ullery

Title: President

Dated: June 8, 2005

Trinity Mission of Charlottesville, L.P. (doing business as Trinity Mission Health & Rehab of Charlottesville)

By: Mission Texas Corporation, Its General Partner

By: Judy Ullery

Title: President

Dated: June 8, 2005

Mission Texas Corporation (formerly known as Eldercare, Inc.)

By: Judy Ullery

Title: President

Dated: June 8, 2005

Trinity Mission Health & Rehab of Portland, L.P.
(formerly known as Sunny Vista Associates, L.P. and
doing business as Sunny Vista Care Center)
Eldercare, Inc.

By: Mission Texas Corporation, Its General Partner

By: Judy Ellery

Title: President

APPROVED AS TO FORM:

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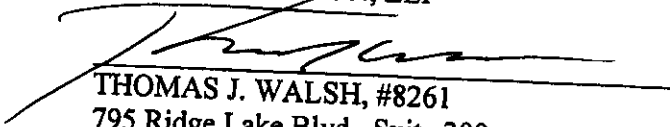
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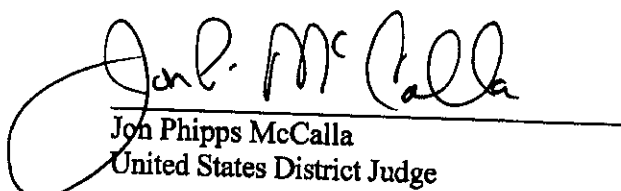
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Mission Texas Corporation (formerly known as
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L.P. (doing business as Trinity Mission Health &
Rehab of Charlottesville); and Trinity Mission Health
& Rehab of Portland, L.P. (formerly known as Sunny
Vista Associates, L.P. and doing business as Sunny
Vista Care Center)*

Pursuant to the above agreement of the parties, JUDGMENT IS THEREFORE
GRANTED in favor of plaintiff and against defendants.

IT IS SO ORDERED AND ADJUDGED AND DECREED on this 23 day of
June, 2005 that this action is decided and that this final judgment is to be entered by the
Clerk of this Court.



Jon Phipps McCalla
United States District Judge



Notice of Distribution

This notice confirms a copy of the document docketed as number 16 in case 2:04-CV-02842 was distributed by fax, mail, or direct printing on June 24, 2005 to the parties listed.

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Honorable Jon McCalla
US DISTRICT COURT